Preserve

App. F. IX-4

Previous References

1934.
(Mysore)

174-
File No. 174-
Serial Nos. 1-7

Later References.
X Acc 131-35

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 7

Part B for May 35

SUBJECT.

Appeal re the leasing out of S nos 220, 12 of Sri Anjaneya Swami Temple at Davangere Taluk

To Mr. A.R Nagendrarao Avl
No 1418 of 1 5 35

87

WD 01965—GPB—15,000—7-7-34

Rejected the appeal petition and issue

AHM

S. Nos 220, 123/2 in Swami temple at Syabanoor - Bardez Taluk.

General and Revenue Secretariat — File No 17 of 1933 — [App F III—2

Serial No	
1	Petition dt. 11.12.33 filed by the A R. Nageswara Rao Advocate Bangalore city on behalf of the Shri Panchayat Hanumanth Appa Basappa and Lingappa residing at Vy. & Bardez Taluk appealing against the order of the Mamlatdar in the matter of leasing out of S. Nos 220 and 123/2 situated in Anjuneya Swami temple at Syabanoor Bardez Taluk. The petition is at pp 1 to 4 The Khasra list is at pp 5 of the file.
A	

A- May be appointed
21/12/33

Secy J
2nd Asst J

Office of the Second Member of Council
23 DEC
No 3697

23/12

23/12

J/02

24/12

Send to McCarthy
re SEQ

NOTE—Contn Sheet

WD 0246 —GPB—15,000—22-8-32

No. 90 33-34

2) Muz Appl re: leasing out S.Nos 220, 123/2, of Sri Anjaneya Swami temple at Sivalingapuram - Davangere Taluk.

Muz 3 File No. 174 of 1933-34 | General and Revenue Secretariat

Petition & rule filed by the Samanaka Iyer Advocate for the Appellants praying for a stay of the order issued by the Muzrai Commissioner in Muz Appl No 25/31-32 on the file of this Court re the disposal of the lands belonging to Sri Anjaneya Swami temple at Syalamoor Davangere Tk

3. x N

x N

In view of the reasons recorded in M.C's decision of 28/9/33 holding that the lands are the property of the temple at the request of the petitioners for the stay of orders issued by the M.C. dated is for order—

EV 17/1

8) In the circumstances explained in the petn the request for a stay order may perhaps be complied with.

SS 18/1/34

RECEIVED 19 JAN. 1934 No. 2i 5'49

Jeleny) 2nd pm)

9) 19/1

10) 20/1

23/1

11) 23/1

12) Sec - Please see remarks on draft Appl and draft letter to M.C. and submit

23/1

13) 23/1/34

14) 23/1/34

Serial No

4 No 1016 of 24-1-34 to the Mysore Commissioner requesting that his orders on the appeal case be stayed — pending disposal of the appeal before Government

5 No 1017 of 24/1/34 to the Advocate for the petitioners intimating that a stay order as prayed for has been issued —

Letter No 919/33-34 of 7-2-34

6 from the Mysore Commissioner submitting records relating when appeal preferred about the teaching out of S.Nos 220 and 123/2 of Syabanoor Chitaldrug District on behalf of Sri Anjaneya Swami at the place

15) The first two appellants and that they are the owners of S No 220 & The third appellant Rathnappa says that they (owners of S.No 123/2 — July/1910 clearly show that Sri Ramadevaru — Syabanoor is the purchaser

The date of encumbrance is 7th July 1910, & the Order. Then was for a permanent lease for annual payment of Rs, in favour of one Hanuma Ramanna alias Karigowda, son of Hanumappa. It is said The object is obvious that the two 4th Should have taken

b) As regards S.No 220 the first appellants,

NOTE—Contn Sheet

4) H.O 190 of 33. 34

Mng. appl. &c: S.Nos 220 and 123 belonging to Sri Anjaneya Swamy temple at Byaravanadeepangere Th.

Mng. File No. of 193 General and Revenue Secretariat

note of the assistant to the
to issue a R.C ~~Title~~ of 10/of 33 from
which it will be seen that the particular S. No has
been in possession of the temple for over
10 yrs, the D.C, while having gone into the
case correctly, holds that the encroachers are
merely tenants-at-will so far as this land
is concerned, & the Inst^n retains the entire
beneficial interest in the land subject to
the maintenance of Wanadeepam. As the
appellants are putting forward the right of
ownership over this land, it is a matter for
consideration whether the Inspr cannot
legitimately do to cause only the lands for some
time are not in the interests of the
Inst^n, thereby warning the encroachers
to understand that they are not the owners
of the land, & that the deity is the real owner.
The decision of the S.D.O was reversed
by the D.C in favour of the appellants
but the views held by the D.C (on the subject) have
been disapproved totally by the H.C. holding
that the lands in question are the
property of the temple. The appellants
have not put forward grounds
sufficient enough to maintain their
case, ~~[illegible]~~ wherein
the case may be posted
for hearing is for orders.
[Stay order has also been issued in this case].

RS
12/4

14

May Appeal

[App. F. III—2

General and Revenue Secretariat | May File No. | of 193[illegible]

Serial No.

1) Orders are solicited re the date of hearing

18/4/34

19 April 1934

(To serve)

2nd M.R.)

18/4

may be posted to 23rd May

20/4

23/4

sanctioned
Posted to 5th Aug/1934
maybe posted to a date after 12th Aug/1934

Posted to 29th Sept 1934

2) Counsel for the appellant present. Respt not served with notice case adjd

Adjourned to Saturday the 24th Nov 1934.

NOTE—Contn Sheet

0434—GPB—15,000—12-10-33

File No. of 193 .

General and Revenue Secretariat

Serial No.

A. R. NAGESVARA IYER,
GOVT. ADVOCATE

CHICKPET

Bangalore City, 23rd Novr. 1934.

To

The Chief Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

Sir,

Re: Muzrai Appeal No. 19 of 1933-34.
(Channappa etc., - Appellants)

As I am unwell, I regret I am unable to go on with the above appeal tomorrow, and I request that the same may kindly be adjourned to some other date.

Begging to be excused for the trouble,

Yours sincerely,

21) Suit
RR
23/11/34
2nd member

22)

Order of the Second Member pronounced in
the Court House on 24. 11. 34
" Adjourned at the instance of the
Advocate for the Asset

GS
24. 11. 34

24/11/34

Appl No 19 of 33-34 re
resumg certain lands belonging to Sri
Anjaneya Swamy Temple Sydapoor.

General and Revenue Secretariat — File No. — of 193 . — [App. F. III—2

Serial No.

24) The Case is posted to Saturday the
2nd Feby 1935.

GV
31.1.35

25 ~~The Case was called at 3 P.M.~~ The respondents were absent though served with notice & The Counsel for the appellants Mr. A. R. Nageswara Iyer was present and Court orders reserved.

JR
2/2/35

Order -

The Hon'ble I see no reason to interfere with the Mun Com's ord as regards I No 220, it is clear from the Survey records that the Tem has been in possn for over 100 yrs subject to a payment of Rs 4 to the Inamdar & that the pujaris were cultivating it on behalf of the Temple. No proprietary rights can therefore be set up by the in respect of this land.
The finding of the Mun C in respect of the other nos must also be Confirmed.

27) The Mun C's order - Confirmed) & the appeal must

JR
24/4/11 — 28/4

WD 0434—GPB—15,000—12-10-32

File No. 174 of 193 3. | General and Revenue Secretariat

Serial No.

Disp ord — Appd Issued

G.J 27.4

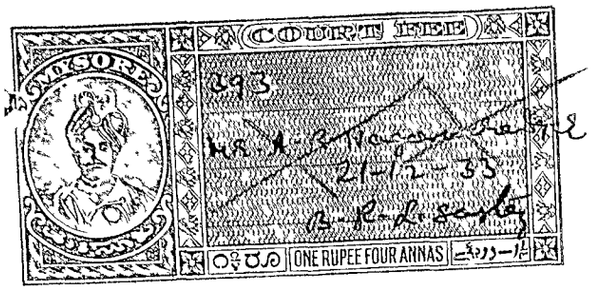
No 1418 & 1.5.35 to the A.R. Nagercoil forwarding copy of the decision given in the appeal case & intimating that the stay order received therein has been withdrawn — 7

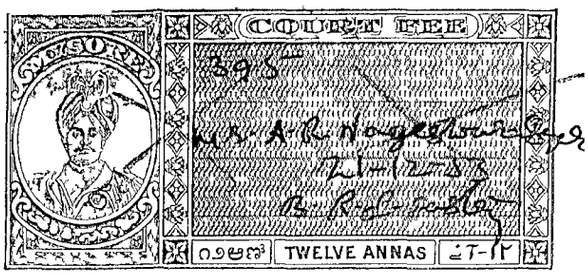
No 1419 & 1.5.35 — to Mr. Kalappa and others of Syalamoor forwarding for their information copy of the above order —

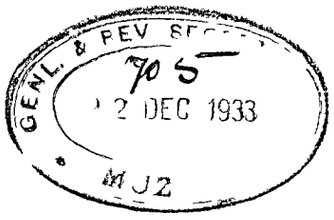
No 1420 & 1.5.35 — to the Inspection Commissioner forwarding for information copy of the order issued on the appeal preferred before Govt.

B 18/5

18/







BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Muzrai Appeal No. 19 of 33-34.

1.Pujari Hanumanthappa, 2.Pujari Basappa, 3.Gangavva by her brother Karur Chinnappa -- all residents of Syabanoor, Davangere Taluk.	(	Appellants.

VS

1. Halappa, 2. Narappa, 3. Mahadevappa, 4. Marigappa & 5. Basappa and Others -- all residing at Syabanoor, Davangere Taluk.	(	Respondents.

Appeal against the order of the Muzrai Commissioner in Mysore reversing that of the order of the Deputy Commissioner, Chitaldrug District, cancelling the order of the Sub Division Officer, Davangere, regarding the leasing out of S.No.220 and S.No.123/2 on behalf of the Sri Anjeyaswami temple at Syabanoor, Davangere Taluk.

====

The appellants beg to state as follows:--

The lands in dispute are Survey Nos. 220 and 123/2 situate in Syabanoor village, Davangere Taluk. Survey No.220 is called the Balachar Hol and was a Brahmadaya Inam originally granted to an achar family in Harapanahalli village, Bellary District.

These achars relinquished the lands in favour of the ancestors of appellants 1 and 2 on condition that the appellants should enjoy these properties, provided they maintained the Nandadheepam in the Sri Anjaneyaswami temple at Syabanoor. Ever since then, the ancestors of the appellants and the appellants 1 and 2 have been in possession of the property and are in enjoyment thereof as owners of the lands and fulfilling the conditions imposed by the achar family at the time the land was relinquished in their favour and made over to them. The appellants 1 and 2 are therefore the owners of the property and are entitled to be in enjoyment and possession thereof in their own proprietory right.

2. Survey No.123/2 called the Maradi Hola is in possession of the third appellant and another Giriavvala Bhimappa in their own rights as Kadim tenants and has been in enjoyment and possession of these persons under a Mulgenikarar, subject to a payment of a migate of Rs.7/- per annum. These persons are enjoying the property as Kadim tenants and have been paying the migate regularly and ~~that~~ without any default whatsoever.

3. Very recently certain people of the Syabanoor village who are ill-disposed towards the appellant and who belonged to a faction ~~opposition~~ opposed to that of the appellants created some trouble in the village and represented to the Sub Division Officer that these two items of lands belonged to the Sri

Sri Anjaneyaswami temple and that the land could be leased out on behalf of the temple to other persons.

4. The appellants contended that the temple had no rights whatsoever in the properties in question and that they were in possession of the properties in their own right, the appellants 1 and 2 enjoying the property bearing S.No.220 as owners thereof and the 3rd appellant Bhimappa enjoying the property bearing S.No.127/2 as Kadim tenants thereof, that the properties could not be leased out on behalf of the temple to any others as the temple itself had no right whatsoever in the ~~question.~~

5. The Sub Division Officer after an enquiry held that the properties ~~were~~ belonged to the temple and as this decision was opposed to law and facts of the case, the appellants filed an appeal before the Deputy Commissioner, Chitaldrug District in Muzrai Appeal No.4/31-32. The learned Deputy Commissioner accepted the contentions put forward by the appellants and holding that the temple was not the owner of the properties in question, cancelled the order of the Sub Division Officer, ~~directing that the properties might be leased on behalf of the temple to other persons.~~

6. Some of the villagers who were disappointed at the order of the Deputy Commissioner and who were intent upon harassing the appellants and ~~to~~ exposing them to irreparable loss and injury filed an appeal before the Muzrai Commissioner in Mysore in Muzrai Appeal No.25/31-32. The learned Muzrai Commissioner reversed the order

order of the Deputy Commissioner, held that the properties in question had been endowed to the temple, and ~~that~~ directed the local officers to take necessary action under Section 10 of the Religious and Charitable Endowments Regulation. Hence this appeal.

7. The appellants beg to submit that the learned Muzrai Commissioner erred in holding that the Muzrai Officers are competent to deal with the alienations of the properties involved in the present appeal ~~as has been stated in the~~

8. The learned Muzrai Commissioner erred in assuming ~~that~~ for purposes of deciding the competency of the Muzrai Officers to deal with the properties in question, That the properties belonged to the temple and not to the appellants.

9. The learned Muzrai Commissioner erred in holding that the properties in question belonged to the temple and that the ~~lands~~ appellants were not the proprietors thereof.

10. The learned Muzrai Commissioner erred in acting upon some information supplied by the Superintendent of the Revenue Survey Office, without giving the appellants any opportunity to have their say in the matter.

11. The learned Muzrai Commissioner was wrong in thinking that the grant in favour of appeallants 1 and 2 by the achar family became extinct merely because the

because the achar family did not care to receiv the rent reserved in their favour and has faile to notice that the question whether or not the appellants are the owners of the properties doe not rest upon the whether the achar family exer cised their rights or no

12. The learned Muzrai Commissioner was wrong in believing that the source of the purch money for survey No. 123/2 was immaterial and has failed to notice that the source of the purchase money was very material in order to arrive at a conclusion as to who was the owner of the property. On the other hand, he has failed to notice that it has been conclusively proved that the temple had no rights whatsoever in the properties in question and that the third appellant and Bhimappa have a paramount right to possess and to enjoy all the property in their own right.

13. The learned Muzrai Commissioner has failed to notice that the respondents have produced no evidence whatsoever in support of their contention.

14. The learned Muzrai Commissioner erred in holding that the Religious and Charitable Endowments Regulation applied to the present case.

The order of the learned Muzrai Commissioner is otherwise opposed to law and facts of the case.

The appellants therefore pray that the order of the learned Muzrai Commissioner may kindly be set aside and the order of the Deputy Commissioner restored.

Advocate for appts

Bangalore,
20-12-55.

15 889/Muz & 2-1-1934.

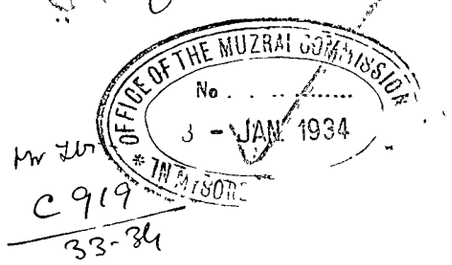
Forwarded with compliments to the Muzrai Commissioner for Submission of records connected with the appeal

By order

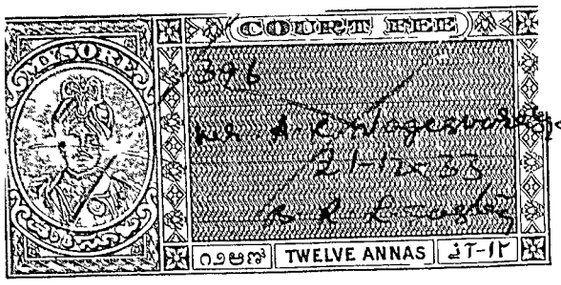
K.N. Krishnamurthy Esqr

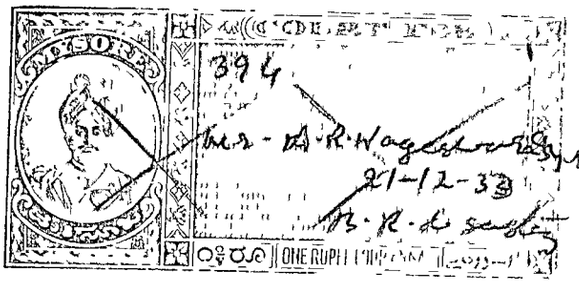
for Financial Secretary

GS



C 919
33-34





Before the Government of His Highness the
~~In the Court of~~ Maharaja of Mysore
~~CHITALDROOG.~~

MUZ. A. NO. OF 1933 — 1934

Appellants
1. Pujari Kommuvanthappa
2 Pujari Bassappa.
3. Gangavva by her brother Karur Channappa
Davangere Taluk

Vs.

Respondents
1 Halappa 2 Narappa 3 Mahadevappa
4 Murigappa 5 Basappa &c
Agriculturists, Davangere Taluk

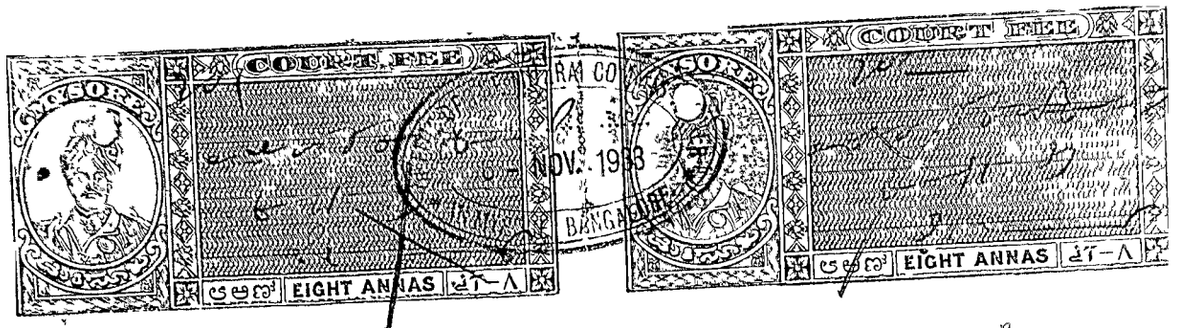
Mr. A.R. Vaidyanatha Iyer B.A., LL.B, advocate, Bangalore
Mr. S. SOUNDARARAJIENGAR B.A.,
Advocate, Chitaldroog.
Mr. A.R. Somanatha Iyer B.A., LL.B
Advocate

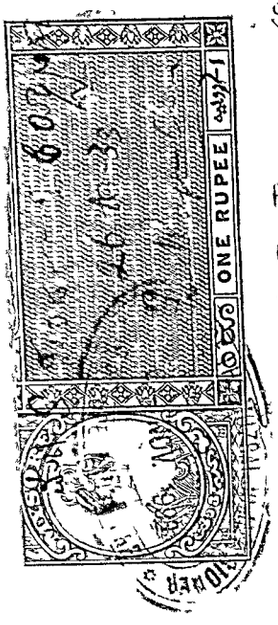
We .....the Appellants abovenamed do hereby nominate and appoint the said advocates in the above suit and do hereby empower the said advocates to appear for and on our behalf in the above suit, to take all steps which may be necessary on our behalf arising out of or in connection with the above suit either during progress or after its decision, to sign and subscribe their names to any document which they may deem proper to execute any decree that may be passed in our favour and to receive out of the court any refund of money which may be lodged or become payable or receivable on our behalf and on receipt thereof to grant receipt or other sufficient discharges for the same, to withdraw, compromise or refer to arbitration the said suit, to appoint one or more substitute or substitutes and to act and perform all other matters and things relating thereto or connected therewith, to represent us in matters relating to the same and to act as fully and effectually to all intents and purposes as we might do if personally present and did the same. And do hereby agree to pay all fees, costs, charges and expenses which may be incurred and to allow, ratify, and to confirm whatsoever the said advocate shall lawfully do or cause or procure to be done by virtue of these presents.

Signed before me by the executant who is known to me.

~~Advocate~~

ACCEPTED
S. Soundararajiengar
Advocate
Somanatha Iyer
Advocates for Appellants
21.12.33





In the Court of the Muzrai Commissioner in Mysore, Bangalore.

Appeal No 25/31-32.

Appellants. — V/s Respondents —

1 Halappa
2. Nirappa
3 Mahadevappa.
4. Muniyappa.
5 Basappa and others of Sylabnoor, Davangere Taluk.

1. Pujari Hanumanthappa
2 Pujari Basappa
3 Gangavva wife of Timmakka Kodla Channappa
4 Gurujivarlu Banavvanavaru and Trustees of Sri Anjaneyaswami

Subject.

Appeal against the order of the Deputy Commissioner, Chitradurga District, setting aside the order of the Asst Division Officer, Harihar in the leasing out of S Nos. 220 and 123/2 belonging to the Anjaneyaswami temple at Sylabnoor, Davangere Taluk.

Facts of the Case.

The temple in question is a Village institution endowed with inam lands. S No. 123/2 called Maradahola forms the subject matter of a Sale Deed dated 9-7-1910 The recital in the Deed are to that the S No which is a Brahmadaya inam was confirmed to four persons who are styled as Vicharnakartas of the temple for the benefit of the temple for a Consideration of Rs 350/- The land was disposed of on the same day by a Pujari Kaval to Honnur Ramanna and another (tenants in occupation) for a mirasi of Rs 7/- per annum The rent is beam credited to temple funds The S No is now in possession Respondents 3 and 4 who claim the land as Kadim Inam They further allege that the property itself does not belong to the temple and that the purchase money was paid by—

their lessons (Vicharmakartas) out of their private funds. After an elaborate enquiry the Sub Division Officer holds that it would be preposterous for any private party to claim the land as his, that the terms of the Sale Deed were clear, that the land belonged to the temple, that its disposal for Nulgeni was unauthorised and that the land should be resumed and leased out in public auction

As regards S No 220 Called Balachar Hola, the Records show that the land was a Brahmadaya inam originally granted to some Achar family in Harapanahalli, Bellary District, that the Achars left the land in possession of the archaks for Cultivation subject to the Condition of their burning Nandadeepam in the temple and paying the surplus to the donors, That the Achars did not turn up to recover the residue for the last 40 years and that the archaks continued to enjoy the land and burn Nandadeepam in the temple. The pujaris (Respondents 1 and 2) interpret the gift as a grant to them in toto subject to a trust or seva in the temple while the Villagers Contend that it is a grant to the temple and that the residue which the donors has reserved should revert to the temple. After going Through all the oral and documentary evidence the Sub Division Officer held that the archaks were entitled only to the expenses of Nandadeepa, that the land belonged to the temple and that the same should be resumed and leased out in public auction.

An appeal was preferred to the Deputy Commissioner who disagrees with the findings of the Sub Division Officer both on facts and law. As regards S No 123/2, he opines that the evidence is not free from doubt as

OFFICE OF THE M
6 - NOV
* IN MYSORE

to the source of the purchase money and that the Mysore Officers cannot interfere in so much as there is found Conveyance of the property in favour of the Temple

As regards S No 220 he finds that with the exception of Khirdi extracts there is no documentary evidence to show that the inamdar Conveyed the property to the temple and that the transaction was only a transfer of property to the religious subject to a declaration of trust that they were to hold Now on the question of law the respondents counsel stated that sections 7 and 10 of the Religious and Charitable Institutions Regulation 1927 apply only in respect of monies payable to Mysore institutions, that the lands in question are not Mysore formally Conveyed to the temple now accepted as evidence by Government and as such there is no provision in the Mysore Regulation to warrant the executive interference of the Mysore Officers

The present appeal is preferred by certain Mysore persons who seeks to restore the order of the Mysore Officer on the ground that Valuable properties would be lost to the temple

The case came up for hearing on 16-1-33 when Mr Srinivasa Rao for the appellants and Mr. [illegible] Iyengar for the Respondents were heard The appellants' Counsel filed a petition on behalf of some of the appellants stating that they do not wish to press the appeal but as one of the appellants had not withdrawn, he addressed the Court

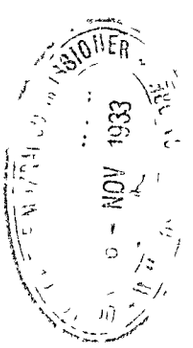
Order. Appl 25/31-32 Dated 28-1-33

I am unable to endorse the view of the [illegible] that Mysore Officers are not Competent to deal with the alienation of properties such as those involved in the present appeal. Section 9, Subsection (4) of the Religious and Charitable

CENTRAL COMMISSIONER NOV. 1933 BANGALORE.

Institutions Regulation lays down that "no lease of a property belonging to a Muzrai institution for a term exceeding five years shall be valid unless previously approved by the Government or by such officer as may be empowered by the Government in this behalf" The 'property" herein referred to need not be Inam lands granted to the institution by Government which are dealt with in Subsection (1). Any kind of property belonging to an institution, whether endowed by Government or by private individuals or otherwise acquired by the institution would apparently come within the operation of Subsection (2). If once it is established that a piece of land is the property of a Muzrai institution any instrument purporting to convey, and any claim purporting to assert, a larger interest than a lease for 5 years becomes invalid, and if the land is Inam of some sort it is open to the Muzrai Officer to proceed under Section 10. This is precisely the position in the present Case.

With regard to Resurvey No. 220, the Superintendent, Revenue Survey, has stated that, according to Inam records, this land was confirmed as a personal Inam but that it has been in the possession of the temple since 1800 for the maintenance of Nanda deepam, subject to the payment of Rs.4 per year to the Inamdar. The latter Condition has ceased to be operative for many years as the Inamdars (if any such are still in existence) have not claimed or received the rent reserved in their favour. It is clear from these facts that it is upon the institution and not upon the Pujari Respondents (1) and (2) that the proprietary rights in the land and the obligation to maintain Nanda Deepam, ~~devote~~ devolve. It may be that the Poojaris have been left in enjoyment of the lands for a long ~~time~~ period and deserve some Consideration on that account but their position is essentially that of tenants at will.



The decision in Narayanabhatta Vs Halappa Gowda was quoted on behalf of the Respondents to show that a trust creates in favour of a temple for a cash out from lands does not make such lands the property of the temple for the purposes of the Muzrai Regulation. But in this case the position is just the Reverse. The trust (such as it is) is in favour of the Inamdars who were mere annuitants and latterly have ceased to be even so. On the other hand the temple retains the entire beneficial interest in the lands subject to the fulfilment of the Trust.

As regards Re-S No. 123/2, the sale deed shows that the land was acquired for the temple. It seems to me immaterial whether the purchase money was paid from temple funds or from subscriptions raised by pious devotees. In either case the land was duly Conveyed in favour of the institution and remains its property and the alleged mulageni Karar must be held to be invalid.

I therefore hold that both the S Nos. in question are "property" belonging to the temple within the meaning of Section 9 (2) of the Regulation and that the local Muzrai Officers make take such action as they deem suitable and necessary under section 10 of the said Regulation.

The records will be returned to the Deputy Commissioner for further action in accordance with this Order.

Sd/ N. Nagabhushana Rao
Muzrai Commissioner

OFFICE OF THE MUZRAI COMMISSIONER
No .....
6 - NOV. 1933
IN MYSORE BANGALORE.

1 vol. records & 1 appeal
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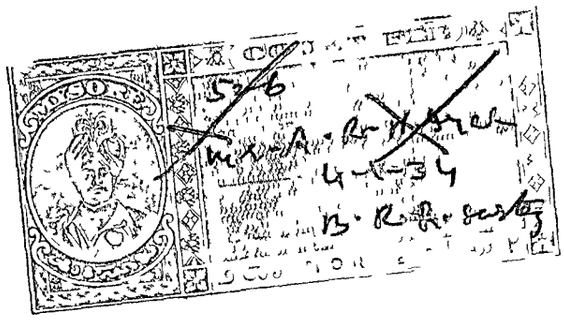

794

11 JAN 1934
No 4203

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MAHARAJA OF MYSORE.

Muzrai Appeal 33-34.

Pujari Hanumanthappa
and others .. Appellants

Vs.

Halappa and others .. Respondents.

The appellants beg to state as follows:-

The appellants have filed the above appeal in this Hon'ble Court against the order of the Muzrai Commissioner regarding the leasing out of survey Nos. 220 and 123/2 on behalf of the Sri Anjaneyaswami temple at Syabanoor, Davangere Taluk and the appeal is pending disposal.

2. In the meanwhile the respondents are trying to enforce the order of the Muzrai Commissioner in which event the appellants will be dispossessed of the lands which have been in their possession since a very long time in their own right.

3. The properties in question have on them very valuable crops grown by the appellants and if they are at this stage dispossessed, prior to the disposal of this appeal by this Hon'ble Court, they will be exposed to irreparable loss and injury. They have expended considerable sums of money over the cultivation of the properties and since the harvesting season is fast approaching, it is essential in the interests

of justice that the execution of the order ~~of~~ of the Muzrai Commissioner in Mysore should be stayed, pending disposal of this appeal.

4. The appellants therefore pray that this Hon'ble Court might be pleased to stay the execution of the order of the learned Muzrai Commissioner in Mysore, pending - disposal of this appeal.

S. Samudaraja Iyengar
advocate.

21

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

FINANCIAL SECRETARIAT

Dated, Bangalore, 24th January 193 4

No. 1016

Mg/174-33-4

From

The *Financial Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,

Bangalore.

Sir,

In continuation of this office Memo No.069 dated 2nd January 1934, I am directed to request that further proceedings in respect of your orders in Muzrai Appeal No.25/31-32 on the file of your court in regard to Survey Nos.220 and 123/2 belonging to Sri Anjaneyaswami Temple at Syabanoor, Davangere Taluk, may be stayed pending orders on the appeal preferred before Government by Pujar Hanumanthappa and others.

I have the honour to be,

Sir,

Your most obedient servant,

Financial Secretary to Government.

Appendix F G—1]

SUBJECT . ...

. . . .

....

Section I ac

File No 174-33

Serial No. 4

Diary No. of letter replied to ....

No. 1016

To

the i-c.

General and Revenue Secretariat

( )

the *193*

Date of issue 24-1-34.

Signed by . Mrs. Muddukrishnappa

List of enclosures .. . .

Copied by ..... 24/1/34 . ...

Examined by .. ..

Sir,

In continuation of my office memo No 88 dated 22nd inst I am directed to inform you that further proceedings in respect of the cases in Misc. Appl. No 25-/31-32 on the file of the Court of Wards in connection with the estate of the late 12½ Gen. Sir Amjad, a Sunni Sayed Mohammad Shah (Raja) of Parkote, Tehsil Ambala, pending orders on the appeal preferred by Pujari Hanumantappa & others.

I have etc

24/1

for 7th Sec

WD 0677—GPI—15000—7113

J. N. 794

GENERAL AND REVENUE SECRETARIAT

D. O. No. 107 Mg 174-33 -S-

Dated, Bangalore, 24th January 1934.

Dear Sir,

With reference to petition presented on 11th January 1934 on behalf of your clients Pujari Hanumathappa and others praying for the stay of orders passed by the Muzrai Commissioner in Muzrai Appeal No. 25/31-32 in respect of certain lands belonging to Sri Anjaneyaswami Temple at Syavanoor, Davangere Taluk, I am directed to inform you that your request for a stay order is granted pending disposal of the appeal before Government.

Yours faithfully,

Somanatha Iyer, Esq., B.A., LL.B.,
Advocate, Bangalore City.

TYPING SECTION
24. JAN 1934
4-40 P.M.
GENL. & REV. SECTT.

Appendix E G—11

SUBJECT ....

file appl C - vehicle Govt

Yours faithfully

2/2/11

for Tl. Vice,

for Pro. proceeding action.

Celg & m.c.s in continuation of

This office memo no. 889

dt 2-1-34, for favour of necessary action

Put up draft letter to
the Secretary
23/1/34

S-O

for Tl Vice

GS
23/1

29

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 7 193

GENL & REVENUE BRANCH 893 FINANCIAL SECRETARY No.

FROM

The Muzrai Commissioner in Mysore,
Bangalore.

Muz 174-34 6

[illegible]

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:—

"uz. 'ppeal No.1/ of 33-34.

Appellants. -V/-

ianumanthappa
Basappa
vva by her brother
r Chinnappa -
inoor Village,
gere Taluk.

Subject.

Appeal against the decision of the Dist. Commissioner in "uz./ppeal No.29/31-32 / the title of the suit holding that Sy.Nos. 122 and 123/1 of the Yeshanoor Village are the property belonging to the temple of Sri Anjaneyaswami at the place.

The case was called on Saturday the 2nd March 1935. Mr. S.T. Nageswara Iyer, advocate for the appellants was present and was heard.

Perused

Order

[illegible] set by Dist. Judge, Dist. [illegible] Taluk, [illegible] of [illegible] in possession [illegible] Rs.4/- to the temple [illegible] ing it on behalf of the temple therefore be set up by the [illegible]

The [illegible] of the suit

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:—

"uz. 'ppeal No.1/ of 33-34.

Appellants.

:i Hanumanthappa
Basappa
gavva by her brother
:ur Chinnappa -
banoor Village,
angore Taluk.

Order.

Appeal against the decision of the Mzrl. Commissioner in "uz.'ppeal "o.25/31-32 on the file of the Court holding that Nos. 122 and 123/1 of the Yelandoor Village are the property belonging to the temple of Sri Anjaneyaswami at the place.

The case was called on Saturday the
1935. Mr. A.T. Nageswara Iyer, Advocate
lants was present and was heard.
served with notices were not.

Order.

Government see no reason to interfere
uzrat Commissioner's order. The
clear from the survey
in possession for over
Rs.4/- to the Inamdar and that the
ing it on behalf of the temple,
therefore be set aside by the

respect of the other [illegible] viz., 123/2 is also confirmed.

The Muzrai Commissioner's order is confirmed and the appeal rejected.

1418/Mucs 174-33-7 & 1-5-35

Copy of the above is forwarded ~~with enclosures~~ to Mrs. A. R. Nagarwara Agra R.A.-R.A. Advocate for the appellants. Stay order intimated in this office letter No 1017 dy 24.1.34 is hereby withdrawn.

By Order

Sd. R. Rangarao.

~~for~~ Chief Secretary to G

1419 & 1-5-35

Copy to Mr. Halappa and others of Hyalanoor Village Davangere Tq. for information

By Order

Sd. R. Rangarao

Chief Secretary to Govt

1420/Inam 3 dy. 1-5-35

Copy of the foregoing is forwarded ~~with enclosures~~ to the Muzrai Commissioner returning records received with his letter No 919/33-3 dy 2-34. The Stay Order issued in this office letter No 1016 dy 24.1.34 is withdrawn.

By Order

For Chief Secretary to G

33

L.R.C.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

---

xRead:—

Muz. Appeal No.1[illegible] of 33-34.

Appellants.

Sri Hanumanthappa
Basappa
Ningavva by her brother
Sarur Chinnappa -
Kyabanoor Village,
Davangere Taluk.

Subject.

Appeal against the decision of [illegible] Commissioner in Muz. Appeal No.2[illegible]/31-32 [illegible] holding that S. Nos. 122 and 123/[illegible] Village are the property belonging to the temple of Anjaneyaswami at the place.

The case was called on Saturday the 2nd [illegible] 1935. Mr. A.N. Nageswara Iyer, advocate for the appellants was present and was heard. The respondents served with notices were absent.

ORDER.

Government see no reason to interfere with the Revenue Commissioner's order. [illegible] clear from the survey records that the temple is in possession for over 1[illegible] years subject to Rs.4/- to the Inamdar and that the appellants are holding it on behalf of the temple. [illegible] therefore be set up by them in respect of

The finding of the Revenue Commissioner

respect of the other S.No. viz., 123/2 is also confirmed.

The Muzrai Commissioner's order is confirmed the appeal rejected.

Copy to Mr A. R. Narasimha Iyer BA. BL Advocate for the appellants - Stay order intimated in this office letter No 1017 of 24.1.34 is hereby vacated.

By order
Sd. R. Rangarao
for Chief Secretary to G

OFFICE OF THE MUZRAI COMMISSIONER
2 MAY 1935

Copy to Halappa and others of Syabanoor Village Davangere Taluk for information.

By order
Sd. R. Rangarao.
Chief Secretary to Govt

Copy of the foregoing is forwarded with compliments to the Muzrai Commissioner returning records received with his letter No 717 33-34 of 7.2.34. The Stay ordered in this office letter No 1016 of 24.1.34 is vacated.

By order

for Chief Secretary to Govt
G.S

Before the Government of His Highness the

Maharaja of Mysore.

Appeal No. 19 of 33-34

Appellants	Vs.	Respondents
Pujari Hanumanthappa		Kalabji
" Basappa		Nanabpa
Gangavva w/o Kam. Kamar		Mahadevappa
Chinnabpa — Sy. of Savanoor Vill.		Manigara
Davangere Tk.		Basappa & others
		of Sy. of Savanoor,
		Davangere Tk.

Subject.

Appeal against the decision of the D.C. in Misc. Appl. No. 25/31-32 on the file of his Court holding that S.No. 220 and 123/2 of the Sy. of Savanoor Village are the property belonging to the temple of Sri Anjaneya-swami at the place.

The Case was called on Saturday the 2nd Feby. 1935. Mr. A. R. Nageswara Iyer Advocate for the appellants was present & was heard. The respondents though served with notices were absent.

WD 0580—GPB—250—10-8-22

3614/35

order 30

Govt see no reason to interfere with the M.C's order

As regards S. No 220, it is clear from the Survey records that the temple has been in possession for over 100 years subject to a payment of Rs 41/- to the Inamdar and that the pujaris were cultivating it on behalf of the temple - No proprietary rights can therefore be set up by them in respect of this land.

The finding of the M.C. in respect of the other S. No viz 123/2 is also confirmed.

The M.C's order is confirmed & the appeal rejected.

1418/Mcy 174-33-7 of 1-5-35

Copy to Mr T.R. Nageswara Iyer Bar-at-Law Advocate for the appellants - Stay order intimated in this office letter no 1017 of 24.1.34 is hereby withdrawn - B.O

1419 of 1-5-35 for Collr Sec

Copy to Mr Kalappa Patel of Sylabanoor Village Davangere Tk for information & 3 files of records. B.O

1420/ of 1-5-3 Form

Copy to M.C. returning records received with his letter no 919/33-34 of 3.2.34. The stay order issued in my office letter no. 1016 of 24.1.34 is withdrawn - B.O